

Frederick County Ethics Commission

Unofficial Minutes for the Public Meeting of Tuesday, May 12, 2015

Note: These Minutes are unofficial as they have not been approved by the Ethics Commission. Due to the departures of Ms. Romack, Mr. Benna, Mr. Snow and Mr. Starliper prior to the Commission's next meeting and the abstentions of the new members (none of whom were in attendance at the May 12 meeting), the minutes could not be formally approved.

Present: Gwen Romack, Chair
Brian Duncan, Vice Chair
R. Carl Benna, Commission Member
Beverly Freed, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: C. Steven Snow, Commission Member
Stephen Starliper, Commission Member

Ms. Romack called to order a meeting of the Frederick County Ethics Commission at 6:00 p.m. on May 12, 2015, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of the April 22, 2015 meeting minutes - A draft of the minutes was provided to the Commission members before the meeting. The minutes were unanimously approved, with the exception of Mr. Benna, who abstained due to his absence from the April 22 meeting.

Meeting with the Frederick County State's Attorney – At the Commission's request, State's Attorney Charlie Smith attended this portion of the meeting to discuss the circumstances under which ethics complaints should be referred to either the State's Attorney's Office or the State Prosecutor's Office. Mr. Smith recommended that the Ethics Commission only forward complaints that raised the potential for a criminal ethics charge. Complaints that did not include the potential for criminal charges based on an ethics law violation should not be sent to the State's Attorney or State Prosecutor. The State Prosecutor would have jurisdiction over claims of malfeasance in office and voting and election-related crimes. Regular felony and misdemeanor charges would be handled by the State's Attorney's Office. Mr. Smith agreed to send written recommendations to the Ethics Commission and the Ethics Task Force. Mr. Smith also made recommendations regarding the substance and timing of Ethics Commission communications with complainants.

Commission Standard Operating Procedures – As the result of the discussion with the State's Attorney, the Commission members discussed whether there was a need to move forward with changes to the Commission's Standard Operating Procedure. One change mentioned was an amendment of the deadlines for responding to ethics complaints, in

light of potential delays caused by referring complaints to the State's Attorney's Office. The Commission decided to defer consideration of amendments to the SOP until it received the State's Attorney's written recommendations about referrals to his Office.

Decision to meet to perform an administrative function – The Commission decided unanimously to conduct an administrative function meeting to discuss two pending complaints.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:00 p.m. on May 12, 2015, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Ms. Romack, Mr. Duncan, Mr. Benna, Ms. Freed and Senior Assistant County Attorney Linda Thall. The Commission decided to defer action on one of the complaints until the written guidance from the State's Attorney is received, as the complaint may need to be referred to the State's Attorney's Office. The Senior Assistant County Attorney was directed to contact the complainant about the delay. The Commission discussed the resolution of another complaint and a related communication regarding the same set of facts. The Commission directed the Senior Assistant County Attorney to prepare a draft opinion on the complaint and to contact the other individual to provide information once the opinion is approved.

Adjournment

The Ethics Commission adjourned its meeting at approximately 7:45 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney